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PATENTS, TRADEMARKS, COPYRIGHTS & UNFAIR COMPETITION

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To: Quang N. Nguyen, Art Unit 2141

From: Robert C. Kowert

Fax: 571-273-3886

Pages: 7 (cover sheet)

Phone:

Date: February 3, 2006

Re: 09/653,610 (5181-70500)

Phone:

Examiner Nguyen,

As we discussed in our telephone conversation yesterday, in the Order Returning Undocketed Appeal to Examiner, the Board of Patent Appeals and Interferences has requested you to consider the Information Disclosure Statement (IDS) filed on March 31, 2005. The Board also indicated that the Form PTO-1449 that accompanied the IDS filed on October 9, 2003 could not be located. A copy of the Form PTO-1449 from the IDS filed on October 9, 2003, was resent with Applicants' Response filed October 15, 2004. With the Advisory Action of October 27, 2004, you returned an initialed and signed copy of the resubmitted Form PTO-1449 from the October 9, 2003 IDS. Included herewith is a copy of the original October 9, 2003 IDS, Form PTO-1449 and date-stamped return receipt postcard, as well as a copy of the initialed and signed copy of the Form PTO-1449 received from you with the Advisory Action of October 27, 2004 that corresponds to the October 9, 2003 IDS. Please let me know if you need any additional information.

Robert C. Kowert (REG 39,255)

THIS FACSIMILE TRANSMITTAL AND THE DOCUMENTS ACCOMPANYING THIS FACSIMILE TRANSMITTAL CONTAIN CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT YOU ARE NOTIFIED THAT THIS COMMUNICATION MAY BE SUBJECT TO THE ATTORNEY-CLIENT OR WORK-PRODUCT PRIVILEGE AND THAT THE DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE (COLLECT) TO ARRANGE FOR RETURN OF THE DOCUMENTS. RECEIPT BY ANYONE OTHER THAN THE INTENDED RECIPIENT IS NOT A WAIVER OF ANY ATTORNEY-CLIENT OR WORK-PRODUCT PRIVILEGE.

PATENT
(5181-70500/P5201)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/653,610

Filed: August 31, 2000

Inventor(s):

Saulpaugh et al

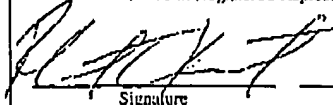
Title: METHOD AND
APPARATUS TO OBTAIN
NEGOTIATED SERVICE
ADVERTISEMENT

Examiner: Unknown
Group/Art Unit: 2181
Atty. Dkt. No: 5181-70500

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Robert C. Kowert

Name of Registered Representative



October 7, 2003

Signature

Date

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-150

Sir:

Applicant requests consideration of ☒ the references listed on the attached Form PTO-1449 and/or ☐ the additional information identified below in paragraph 3. A copy of each reference listed on the Form PTO-1449 is enclosed.

I. This Information Disclosure Statement is submitted:

- a. ☐ within 3 months of the filing date of a national application other than a continued prosecution application under § 1.53(d);
- ☐ within 3 months of the date of entry of the national stage as set forth in § 1.491 in an International application;
- ☒ before the mailing date of a first Office Action on the merits; or
- ☐ before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- b. ☐ after the events of above paragraph 1a and prior to the mailing date of a final Office Action or Notice of Allowance, and thus: ☐ the certification of paragraph 2 below is provided, or ☐ a fee of \$180.00 is enclosed.

- c. ☐ after the mailing date of a final Office Action or a Notice of Allowance and prior to payment of the issue fee, and thus: the certification of paragraph 2 below is provided and a fee of \$180.00 is enclosed.

2. It is hereby certified:

- ☐ that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement, or
- ☐ that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in § 1.56 (c) more than three months prior to the filing of the Statement.

3. ☐ Consideration of the following additional information (including any co-pending or abandoned U.S. applications, prior uses and/or sales, etc.) is requested:

4. For each non-English language reference listed on the attached Form PTO-1449:

- ☐ reference is made to an English language translation submitted herewith, and/or
- ☐ reference is made to a foreign patent office search report (in the English language) submitted herewith, and/or
- ☐ reference is made to an English language translation of a foreign patent office search report submitted herewith, and/or
- ☐ reference is made to the concise explanation contained in the specification of the present application at page(s) _____, and/or
- ☐ reference is made to the concise explanation set forth below:

5. ☐ Applicant also offers the following comments for the Examiner's consideration:

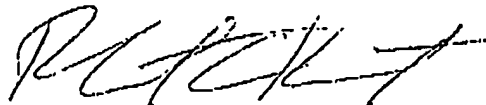
6. ☐ Also enclosed is a copy of a foreign search report citing these references.

7. ☐ The listed documents were brought to the attention of the Applicant(s) after payment of the issue fee in the captioned case. The documents were cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. Applicant(s) request this Information Disclosure Statement and attached Form PTO-1449 be placed in the file of the captioned application.

8. ☐ Applicant(s) requests that the Information Disclosure Statement and attached Form PTO-1449 and references, which are being filed before the grant of the patent and pursuant to 37 C.F.R. § 1.97(i), be placed in the file of the captioned application.

If any required fees are missing, the Commissioner is authorized to charge said fees to Meyertons, Flood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 50-1505/5181-70500/RCK.

Respectfully submitted,



Robert C. Kowert

Reg. No. 39,255

Attorney for Applicant(s)

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.

P. O. Box 398

Austin, Texas 78767

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Date: October 7, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Slaughter et al
Assignee: Sun Microsystems, Inc.
Serial No.: 09/653,610
Filing Date: August 31, 2000
Title: METHOD AND APPARATUS TO OBTAIN NEGOTIATED SERVICE
ADVERTISEMENT



Att. Docket No. 5181-70500/15201

The date stamp of the mail room of the U.S. Patent and Trademark Office hereon will acknowledge receipt of the attached 1) Information Disclosure Statement w/accompanying Form PTO-1449, references E1 - E4; and 2) Return Postcard.

RCK\admp

Via First Class Mail

date: October 7, 2003